

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J.R.G., et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 22-cv-05183-KAW

CASE MANAGEMENT AND PRETRIAL
ORDER FOR BENCH TRIAL

1. TRIAL DATE

a. Bench trial will begin on October 6, 2025 at 9:00 a.m. at the U.S. District Court, 1301 Clay Street, Oakland, California. For courtroom number and floor information, please check the Court's on-line calendar at www.cand.uscourts.gov/judgeswkcal one week prior to trial or call Judge Westmore's Courtroom Deputy at (510) 637-3525.

b. The length of the trial will be not more than ten days. The Court may shorten the allotted time as it deems appropriate and may also allocate a fixed number of hours for each side. Court hours for trial are normally 9:00 a.m. to 3:00 p.m., subject to the Court's availability.

2. DISCOVERY AND EXPERT DISCLOSURES

- a. All non-expert discovery shall be completed by August 16, 2024.
- b. Experts shall be disclosed and reports provided by September 30, 2024.
- c. Rebuttal experts shall be disclosed and reports provided by November 14, 2024.
- d. All discovery from experts shall be completed by December 19, 2024.

3. PRETRIAL MOTIONS

- a. The last day for hearing dispositive motions shall be May 1, 2025.
- b. Only one summary judgment motion may be filed by each side, absent leave of court. Leave of court may be sought if multiple parties comprise one or both sides.

1 Leave of court may be obtained by filing a motion for administrative relief pursuant
2 to Civ. L. R. 7-11, or by requesting a case management conference or informal
3 telephone conference.

4 c. Separate statements of undisputed facts in support of or in opposition to motions
5 for summary judgment shall NOT be filed. See Civil L. R. 56-2. The parties may
6 file a truly joint statement of undisputed facts only if all parties agree that the facts
7 are undisputed.

8 d. Objections to evidence may no longer be filed separately but must be contained
9 within the opposition or reply brief or memorandum. Civil L. R. 7-3.

10 e. Each party filing or opposing a motion shall also serve and file a proposed order
11 which sets forth the relief or action sought and a short statement of the rationale of
12 decision, including citation of authority that the party requests the court to adopt.

13 f. Chambers copies of each electronically-filed dispositive motion must include on
14 each page the running header created by the ECF system and must be delivered to
15 the Clerk's Office by noon the day following its filing. All documents must be
16 stapled or bound by a two-pronged fastener, and all exhibits to declarations or
17 requests for judicial notice must be tabbed.

18 g. In addition, counsel shall email copies of all motions for summary judgment in
19 standard Word format (.doc or .docx, and not .pdf format) to
20 kawpo@cand.uscourts.gov.

21 4. LAST DAY TO AMEND PLEADINGS

22 The last day to seek leave to amend the pleadings is September 1, 2023.

23 5. PRETRIAL CONFERENCE

24 a. A pretrial conference shall be held on September 24, 2025 at 2:00 p.m. Lead
25 counsel who will try the case (or the party if pro se) must attend. The timing of disclosures
26 required by Federal Rule of Civil Procedure 26(a)(3) and other pretrial disclosures shall be
27 governed by this order.

- b. By August 15, 2025, lead counsel shall meet and confer regarding:
- (1) Preparation and content of the joint pretrial conference statement;
 - (2) Preparation and exchange of pretrial materials to be served and lodged pursuant to paragraph 5(c) below; and
 - (3) Preparation and content of a joint statement of claims and defenses and a statement of stipulated facts, as further discussed in paragraph 6 below;
 - (4) Preparation and exchange of proposed findings of fact and conclusions of law, as further discussed in paragraph 6 below; and
 - (5) Settlement of the action.
- c. By August 26, 2025, counsel and/or parties shall:
- (1) Serve and file a joint pretrial statement that includes the pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3) as well as the following supplemental information:
 - (a) *The Action.*
 - (i) Substance of the Action. A brief description of the substance of claims and defenses which remain to be decided.
 - (ii) Relief Prayed. A detailed statement of all the relief claims, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages.
 - (b) *The Factual Basis of the Action.*
 - (i) Undisputed Facts. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits.
 - (ii) Disputed Factual Issues. A plain and concise statement of all

disputed factual issues which remain to be decided.

(iii) Agreed Statement. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts.

(iv) Stipulations. A statement of stipulations requested or proposed for pretrial or trial purposes.

(c) *Disputed Legal Issues*.

Without extended legal argument, a concise statement of each disputed point of law concerning liability or relief, citing supporting statutes and decisions.

(d) *Trial Preparation*.

(i) Witnesses to Be Called. With regard to witnesses disclosed pursuant to Federal Civil Rule of Civil Procedure 26(a)(3)(A), a brief statement describing the substance of the testimony to be given.

(ii) Estimate of Trial Time. An estimate of the number of hours needed for the presentation of each party's case, indicating possible reductions in time through proposed stipulations, agreed statements of facts, or expedited means of presenting testimony and exhibits.

(iii) Use of Discovery Responses. Designate excerpts from discovery that the parties intend to present at trial, other than solely for impeachment or rebuttal, from depositions specifying the witness page and line references, from interrogatory answers, or from responses to requests for admission.

(e) *Trial Alternatives and Options*.

(i) Settlement Discussion. A statement summarizing the status of settlement negotiations and indicating whether further negotiations are likely to be productive.

(ii) Amendments, Dismissals. A statement of requested or proposed amendments to pleadings or dismissals of parties, claims or defenses.

(f) *Miscellaneous*.

Any other subjects relevant to the trial of the action or material to its just, speedy and inexpensive determination.

(2) Serve and file trial briefs (not to exceed 25 pages), which shall specify each cause of action and defense remaining to be tried along with a statement of the applicable legal standard (no opposition shall be filed);

(3) Serve and file no more than ten motions *in limine*, which shall be filed in one document not to exceed 25 pages;

(4) Serve and file an exhibit setting forth the qualifications and experience for each expert witness;

(5) Serve and file a list of each party's exhibits by number (plaintiff) or letter (defendant), including a brief statement describing the substance and purpose of each exhibit and the name of the sponsoring witness;

(6) The parties shall lodge two sets of all pretrial filings (1-5, above) to the Oakland Clerk's Office within one court day of filing. The filings must be contained in a binder, separated by tabs (i.e., joint pretrial statement, trial brief, excerpts of discovery, etc.);

(7) Exchange exhibits which shall be premarked with an exhibit sticker tabbed and in binders. Plaintiff shall use numbers (1, 2, 3, etc.) and defendant shall use numbers preceded by a letter (A-1, A-2, A-3, etc.). Additional parties shall also use a letter preceding numbers (B-1, B-2, B-3, or C-1, C-2, C-3,

etc.); and

- (8) Deliver three sets of all premarked exhibits to chambers, tabbed and in binders (exhibits are not to be filed). Each set of exhibits must include an exhibit list. The exhibits shall be marked with the following tag (or similar):

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Trial Exhibit _____

Date Admitted _____

By: _____

Deputy Clerk

No party shall be permitted to call any witness or offer any exhibit in its case in chief that is not timely disclosed in its pretrial statement, exchanged with opposing counsel, and delivered to the Court absent leave of the Court and for good cause shown. Furthermore, all parties are reminded of their disclosure duties under Federal Rule of Civil Procedure 26. Any document or witness that should have been disclosed under Rule 26 will not be introduced at trial.

d. By September 5, 2025, after meeting and conferring in a good faith attempt to resolve any objections, counsel and/or parties shall serve and file: (1) any objections to exhibits or to use of deposition excerpts or other discovery; (2) any objections to witnesses, including the qualifications of an expert witness; (3) any opposition to a motion *in limine*. No replies shall be filed, but responses to objections may be filed within five days. The parties shall not file separate objections, apart from those contained in the motions in limine, to the opposing party's witness list, exhibit list or discovery designations.

- (1) The parties shall lodge two sets of objections and oppositions to the Oakland Clerk's Office within one court day of filing. The filings must be

contained in a binder, separated by tabs (i.e., exhibit objections, witness objections, oppositions to motions in limine, etc.).

(2) The parties shall lodge two copies of any responses to objections with the Oakland Clerk's Office within one court day of filing.

e. All motions shall be heard at the pretrial conference unless otherwise ordered.

6. The parties shall serve and file the following filings by September 29, 2025, seven (7) days prior to the start of trial:

a. Joint Statement of Claims and Defenses. The joint statement shall identify each claim for relief, a brief statement of the factual basis for the claim, the elements of the claim, the burden and standard of proof, and whether the parties have any disagreements as to the elements, burden, and/or standard of proof.

b. Proposed Findings of Facts and Conclusions of Law. The proposed findings shall be in a chart form that identifies the source of the finding (e.g., exhibit number or anticipated testimony) and cross references the elements of proof identified in the joint statement of claims and defenses. Following the bench trial, the parties will be required to provide a redlined version that reflects what was presented at trial.

c. Joint Statement of Stipulated Facts. The statement of stipulated facts shall be numbered.

7. In addition to electronic filing, Counsel shall email copies of all motions *in limine*, trial briefs, the joint statement of claims and defenses, proposed findings of fact and conclusions of law, and the joint statement of stipulated facts in standard Word format (.doc or .docx, not .pdf format) to kawpo@cand.uscourts.gov.

8. SUMMARY OF DATES

Trial	October 6, 2025
Joint Statement of Claims and Defenses; Proposed Findings of Fact and Conclusions of Law; Joint Statement of Stipulated Facts	September 29, 2025
Pretrial Conference	September 24, 2025

1	Objections	September 5, 2025
2	Joint Pretrial Statement	August 26, 2025
3	Meet and Confer	August 15, 2025
4	Last Day to Hear Dispositive Motions	May 1, 2025
5	Close of Expert Discovery	December 19, 2024
6	Rebuttal Expert Disclosure and Reports Provided	November 14, 2024
7	Expert Disclosure and Reports Provided	September 30, 2024
8	Non-Expert Discovery Cut-off	August 16, 2024
9	ADR Completion	
10	Last Day to Amend Complaint	September 1, 2023

11
12 A further Case Management Conference is scheduled for September 26, 2023 at 1:30 p.m.

13 IT IS SO ORDERED.

14 Dated:

Kandis Westmore

KANDIS A. WESTMORE
United States Magistrate Judge